

1 HONORABLE RICHARD A. JONES  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 KHANH LE,  
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11 v.  
12 FIREMANS FUND INSURANCE  
13 COMPANY,  
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Plaintiff,  
Defendant.

CASE NO. C13-376RAJ

ORDER

15 Today, the court received a motion for temporary restraining order and  
16 preliminary injunction. Dkt. # 9. Plaintiff, proceeding *pro se*, filed an amended  
17 complaint on March 5, 2013. Dkt. # 6. So far as the record reveals, Plaintiff has not  
18 served his complaint on, or given informal notice of the complaint, to Defendant.

19 The court's local rules explain the procedure for filing a motion for a temporary  
20 restraining order. Local Rules W.D. Wash. LCR 65(b). Plaintiff has not complied with  
21 these procedures. He has not, for example, served the opposing party before or  
22 contemporaneously with filing the motion, or included a certificate of service or  
23 defendant's contact information.

24 The court denies the request for a temporary restraining order for the following  
25 reasons. First, Plaintiff has not attempted to satisfy the standards of Federal Rule of Civil  
26 Procedure 65(b), which explains what a movant must do to obtain a temporary restraining  
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1 order without giving notice to the opposing party or parties. Second, Plaintiff has not  
2 included anything in his complaint that explains why the court should act immediately,  
3 before Defendant receives notice of this suit. Third, and most importantly, even if  
4 Plaintiff had complied with procedural rules, and even if he had established a need for  
5 immediate action from the court, there is nothing in his complaint that suggests that he is  
6 likely to succeed on the merits of his suit. Indeed, it appears that this court lacks subject  
7 matter jurisdiction over this case where he alleges “false arrest” and “production of  
8 falsified documents in numerous courts” against the Fireman’s Fund Insurance Company,  
9 a private entity.

10 The court cannot grant a temporary restraining order on this record. Plaintiff is  
11 also ORDERED to SHOW CAUSE no later than May 2, 2013 why this case should not  
12 be dismissed for lack of subject matter jurisdiction.

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14 DATED this 5<sup>th</sup> day of April, 2013.

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18 The Honorable Richard A. Jones  
19 United States District Judge  
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